

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

AGUSTIN GUTIERREZ VALENCIA,
ERNESTO CASILLAS, and DANIEL
VASQUEZ-ARROYO,

Defendants,

and

JOSHUA AARON OWEN,

Third-Party Claimant.

CASE NO. 2:22-cr-00151-LK

ORDER GRANTING MOTION
FOR SCHEDULING ORDER TO
GOVERN THIRD-PARTY CLAIM

This matter comes before the Court on the Government's Motion for Second Scheduling Order to Govern a Third-Party Claim. Dkt. No. 309. The Government requests that the Court issue a second scheduling order governing ancillary proceedings arising from Joshua Aaron Owen's

1 claim to property that has been preliminarily forfeited in this case. *Id.* at 1; *see also* Dkt. Nos. 168,
2 202, 305 (preliminary orders of forfeiture). No party or claimant has responded to the motion.

3 On December 11, 2025, the Court granted the Government’s first motion for a scheduling
4 order to govern Mr. Owen’s claim. Dkt. No. 268. The Government now “seeks an extended
5 scheduling order due to ongoing noticing of potential third-party claimants and discovery that has
6 not been concluded during the anticipated period.” Dkt. No. 309 at 1.

7 Courts may permit discovery and entertain motions related to a third-party claim pursuant
8 to Federal Rule of Criminal Procedure 32.2(c)(1). To the extent an evidentiary hearing on a third-
9 party claim is required, courts conduct those hearings pursuant to 21 U.S.C. § 853(n)(2) and (4)–
10 (6). The Court, having reviewed the Government’s motion as well as the other papers and
11 pleadings filed in this matter, including Mr. Owen’s claim, Dkt. No. 252, hereby finds that entry
12 of an order setting a discovery schedule and a motions deadline is appropriate.

13 NOW, THEREFORE, THE COURT ORDERS:

- 14 1) The Government’s Motion is GRANTED, Dkt. No. 309;
- 15 2) The Government and Mr. Owen may engage in discovery related to Mr. Owen’s
16 asserted interest in the Smith & Wesson .38 SPL +P Revolver, bearing serial number
17 CYS3434. The discovery period closes on **August 19, 2025**; thereafter, they shall file
18 any dispositive motions no later than **October 19, 2025**; and
- 19 3) If necessary, an evidentiary hearing will be scheduled and held on Mr. Owen’s claim.
- 20 4) The United States shall serve this Order on Mr. Owen via certified mail and file proof
21 of service with the Court no later than 14 days from the date of this Order.

22 The Court also notifies Mr. Owen that to file motions, responsive briefing, or other
23 appropriate submissions with the Court, he may either (1) mail them to the Court at U.S. District
24 Court, 700 Stewart Street, Seattle, WA, 98101 with the case numbers for this case (2:22-cr-00151-

1 LK) on all documents, or (2) sign up to file electronically by contacting the CM/ECF Support
2 Team and following their instructions. Mr. Owen can reach the CM/ECF Support Team by phone
3 at (206) 370-8440, option#2 or by email at cmecf@wawd.uscourts.gov.

4 Dated this 19th day of May, 2025.

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Lauren King
7 United States District Judge
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